

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAWN DAMON BARTH,
Petitioner,

v.

JOE A. LAZARRAGA, Warden,
Respondent.

Case No. 19-05223 BLF (PR)

ORDER OF TRANSFER


Petitioner, a state prisoner, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging a disciplinary action that resulted in the loss of credits while he was housed at the Mule Creek Prison in Ione. (Docket No. 1-3 at 8-21.) Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction or sentencing. *See* Habeas L.R. 2254-3(b)(1); *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if the petition challenges the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

1 Here, Petitioner is challenging a disciplinary action that resulted in the loss of
2 credits, (Docket No. 1-3 at 19), which makes the district of confinement the preferable
3 forum. *Id.* Petitioner is currently confined at the California Medical Facility in Vacaville.
4 (Docket No. 8 at 1.) Vacaville is located in Solano County, which lies within the Eastern
5 District of California. *See* 28 U.S.C. § 84(b). Therefore, the preferred venue for this
6 action is in that district and not in this one. *See id.*; Habeas L.R. 2254-3(a)(1).
7 Accordingly, this case is TRANSFERRED to the United States District Court for the
8 Eastern District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b)(1).

9 The Clerk shall terminate all pending motions and transfer the entire file to the
10 Eastern District of California.

11 **IT IS SO ORDERED.**

12 **Dated:** December 16, 2019


BETH LABSON FREEMAN
United States District Judge